

Maxey's One Minute Liniment Baby 438

N. J., F. D. 18651-18700

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18651-18700

[Approved by the Secretary of Agriculture, Washington, D. C., April 21, 1932]

18651. Misbranding of Maxey's vegetable tonic and Maxey's One Minute liniment. U. S. v. 1½ Gross of Maxey's Vegetable Tonic, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25664, 25665. I. S. Nos. 14423, 14424. S. No. 3929.)

Examination of samples of Maxey's vegetable tonic and Maxey's One Minute liniment having shown that the labeling contained statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported to the United States attorney for the Western District of South Carolina that certain quantities of the products were located at Spartanburg, S. C.

On January 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1½ gross of Maxey's vegetable tonic and 195 bottles of Maxey's One Minute liniment at Spartanburg, S. C., alleging that the articles had been shipped by the Maxey Medicine Co., from Winston-Salem, N. C., on or about March 22, 1929, and had been transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Maxey's vegetable tonic consisted essentially of small proportions of caffeine, chloroform, and ammonium chloride, volatile oils including mustard oil, sassafras oil, and clove oil, and water; and Maxey's One Minute liniment consisted essentially of chloroform, volatile oils including mustard oil, clove oil, and methyl salicylate, and water.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, appearing in the labeling, were applied to the articles knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers that they were in whole or in part composed of ingredients or medicinal agents effective in the diseases and conditions named therein, whereas the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Maxey's vegetable tonic, bottle) "For Indigestion, all Stomach and Bowel Troubles. Digests Food in Lower Bowels, preventing Fermentation. Purifies the blood and regulates the system. * * * where lining of stomach is inflamed from sores, abscesses or ulcers. * * * Acts Directly on the Stomach * * * Digests the Food * * * treatment prepared for conditions arising from the stomach such as indigestion, dyspepsia, heartburn, sour belching, acid stomach, * * * loss of appetite, nervous indigestion. Purifying the blood, eliminating the acids, malaria and impurities that are in the blood and system;" (Maxey's vegetable tonic, circular) "For cramps * * * Acute Indigestion * * * should be taken Several Days in the treatment of indigestion, or to purify the blood;" (Maxey's One Minute liniment, bottle) "Directions—For pains, apply to parts

affected. For pains in the back, side, joints, * * * Pyorrhea or diseased gums apply with cotton. Prevents Spanish Influenza, * * * Catarrh;" (Maxey's One Minute liniment, carton) "Relieves Headache, Toothache, Earache, or Neuralgia * * * Relieves pains in back, sides, shoulders, arms or limbs * * * Rheumatism, pneumonia or pleurisy pains * * * Catarrh of the head * * * Pyorrhea or diseased gums, * * * will keep poison, inflammation and soreness. * * * Pyorrhea or Diseased Gums;" (Maxey's One Minute liniment, circular) "For Rheumatic Pains, Pneumonia Pains, Pains in or across Back, in the limbs or joints. * * * For Catarrh * * * Headache. * * * For Headaches or Neuralgia * * * For Pyorrhea or Diseased Gums * * * For Rheumatism, Kidney and Back Trouble, also Female Trouble, remove pains, soreness, also stiffness with * * * A sure preventative of Spanish Influenza."

On June 24, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18652. Misbranding of Number Twenty Seven. U. S. v. 11½ Dozen Small Bottles, et al., of Number Twenty Seven. Default decree of condemnation and destruction. (F. & D. No. 23488. I. S. Nos. 04130, 04131. S. No. 1698.)

Examination of a drug product, known as Number Twenty Seven, from the lot herein described having shown that the bottle label and circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On March 5, 1929, the United States attorney filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 11½ dozen small and 28 medium-sized bottles of Number Twenty Seven, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being sold and offered for sale by the Washington Wholesale Drug Exchange at its premises in Washington, D. C., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of magnesium sulphate (63.5 grams per 100 milliliters), quinine sulphate (1 gram per 100 milliliters), an iron compound, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the bottle label and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For * * * Grippe, Chills & Fever, Malaria, * * * Purifies the system;" (circular) "For * * * La Grippe, Chills and Fever, Malaria, Indigestion, * * * Gas on Stomach and Many Other Ailments of the Human System * * * Number Twenty Seven Cleanses the System of all poisonous matter, acts on the kidneys and liver, and does away with that tired sluggish feeling. For * * * La Grippe * * * Guard Your Health. You don't have to be sick before you take Number 27. When you get up in the morning with that tired lazy feeling, and feel worn out before your day's work is begun, you should take Number 27 and cleanse your system of those poisonous germs which may cause sickness later on."

On August 20, 1929, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18653. Alleged misbranding of Lee's Save The Baby. U. S. v. 23 7/12 Dozen Bottles, et al., of Lee's Save The Baby. Claim and answer filed. Case tried to the court. Judgment for claimant. Libel ordered dismissed. (F. & D. No. 23482. I. S. No. 03678. S. No. 1650.)

Examination of the bottle and carton labels of this product and of the circular inclosed in the carton disclosed that the article was intended to be used in the treatment of various ailments, particular emphasis being placed on the efficacy of the product in the treatment of infants and young children. This department deemed the statements, "Save the Baby," "For Croup," "For Sore Throat," "For Coughs," "Used in cases of Grippe, Bronchitis, Laryngitis, Tonsillitis, Pneumonia, etc.," and other statements contained in the said labels, to be